

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALBERTO J. LOPEZ	:	CIVIL ACTION
and OTHERS SIMILARLY SITUATED	:	
	:	
v.	:	
	:	
TRI-STATE DRYWALL, INC.,	:	NO. 11-5062
and DEAN GANOUDIS	:	

ORDER

AND NOW, this 20th day of March, 2012, having considered the Motion of Defendants, Tri-State Drywall, Inc. and Dean Ganoudis, to Dismiss Counts I, III, and IV of the First Amended Complaint, and to Dismiss Count II of the First Amended Complaint to the Extent that it Seeks Unpaid Overtime Compensation (Doc. 13), Plaintiff's Response in Opposition thereto (Doc. 14), and Defendants' Reply (Doc. 15), and for the reasons set forth in the accompanying Memorandum, it is hereby **ORDERED** that:

1. Tri-State's motion to dismiss Count I of the Complaint, Plaintiff's claim under the FLSA, with prejudice, for failure to state a claim upon which relief can be granted is **GRANTED**;
2. The court will decline to exercise jurisdiction over Plaintiff's remaining state law claims, and those claims are **DISMISSED** without prejudice to pursue any appropriate claims in state court.

BY THE COURT:

/s/ L. Felipe Restrepo
L. Felipe Restrepo
United States Magistrate Judge